

REMARKS

I. INTRODUCTION

This paper is filed in response to the non-final Office Action mailed September 6, 2007.

The undersigned thanks for the Examiner for the interview conducted on October 12, 2007.

The present amendment adds new claims 26 and 27. An example of support for claims 26 and 27 may be found in the specification at page 22, line 16 – page 23, line 2. No new matter is added by this amendment. After entry of the present amendment, claims 1-6, 23, and 26-27 are pending in the present application. Assignee traverses each of the Examiner's rejections. Reconsideration and allowance of all pending claims is respectfully requested in view of the remarks below.

II. REJECTION OF CLAIMS 1-6 AND 23 UNDER 35 U.S.C. § 103(a)

The Office Action rejected claims 1-6 and 23 under 35 U.S.C. § 103(a) over U.S. Patent No. 6,405,181 to Lent *et al.* in view of U.S. Patent No. 6,311,169 to Duhon and "A Home Remedy for Bad Credit" (hereinafter "CCM"). For the reasons set forth below, the Assignee respectfully traverses this rejection and requests its reconsideration and withdrawal.

The References Fail to Disclose or Suggest Each Claimed Element

To establish *prima facie* obviousness of a claimed invention under 35 U.S.C. § 103, all the claim limitations must be disclosed or suggested by the prior art after an analysis has been performed based on factual inquiries enunciated by the U.S. Supreme Court in *Graham v. John Deere Co.* 383 U.S. 1, 148 USPQ 459 (1966). See M.P.E.P. § 2143.03; *Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in*

View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*, Federal Register Vol. 72, No. 195, 57526-57535, 57527 (October 10, 2007). The factual inquiries are as follows:

- (1) Determining the scope and contents of the prior art;
 - (2) Ascertaining the differences between the claimed invention and the prior art;
- and
- (3) Resolving the level of ordinary skill in the pertinent art.

Id.

The Office Action stated that “one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.” Office Action, pg. 2. The Assignee thanks the Examiner for clarifying that an obviousness case can be challenged by showing that the cited references, even if combined, fail to disclose or suggest at least one claimed element. That is the case here. Each reference fails to disclose or suggest the same claimed element.

Specifically, each of Lent, Duhon, and CCM clearly fail to disclose or suggest, “generating a summary report of personalized credit-related information based on the credit history data, the summary report including a credit score and an explanatory statement suggesting at least one step to improve the credit score, wherein the at least one step to improve the credit score is based on the credit history data,” as recited in claim 1. (Emphasis added.) Since each of Lent, Duhon, and CCM fail to disclose or suggest this element, the combination of these references also fails to disclose or suggest this element and the Office Action has failed to establish *prima facie* obviousness.

As explained in the Amendment and Response to Final Office Action, dated June 20, 2007, Lent relates to providing real time credit approval online and discloses

providing a rejected applicant with a credit score and a reason for the rejection. *See* Lent, col. 11, lines 50-57. Rejected applicants may receive a link to a credit counseling website. *See, e.g., id* at col. 12, lines 52-54. This link to a credit counseling website is provided to all rejected applicants and is not based on the applicant's specific credit history data. Moreover, a link to a credit counseling website is not at least one step to improve the applicant's credit score. Instead, it is a link with no helpful information for the applicant other than an Internet location where they may obtain counseling services if they wish. Accordingly, Lent fails to disclose or suggest generating a summary report that includes "an explanatory statement suggesting at least one step to improve the credit score, wherein the at least one step to improve the credit score is based on the credit history data," as recited in claim 1.

Duhon also fails to disclose or suggest this same element recited in claim 1. Duhon relates to providing credit grantors with historical information online about a consumer's credit history. The Office Action stated that in Duhon, "[c]onsumers can trace their credit status and note if it's [*sic*] improving or deteriorating." Office Action, page 3. The Assignee respectfully submits that the Office Action's interpretation of the teachings and suggestions found in Duhon is incorrect. Duhon allows credit grantors, not consumers, to review historical credit information to make credit granting decisions. *See* Duhon, col. 7, lines 3-9. Duhon offers no information to consumers. Instead, credit grantors receive the information, determine if a consumer's credit score is improving or deteriorating using the historical information and decide, based on that information, whether to grant credit to the consumer. Credit grantors have no use for steps to improve a consumer's credit score. Accordingly, Duhon fails to disclose or suggest generating a summary report that includes "an explanatory statement suggesting at least one step to

improve the credit score, wherein the at least one step to improve the credit score is based on the credit history data,” as recited in claim 1.

The CCM article also fails to disclose or suggest this same element recited in claim 1. The CCM article relates to software that provides users with step-by-step instructions on how to improve their credit scores by working with credit bureaus. The software allows users to do what credit doctors have previously performed for users – develop letters to credit bureaus challenging a derogatory mark on the consumer’s record. The Office Action stated that “CCM teaches being connected to the credit bureau to receive credit reports so that the program can provide step-by-step instructions.” Office Action, page 3. Nowhere in the CCM article is this disclosed. Instead, the CCM article discloses that the software “allows users to modem correspondence directly to the credit bureaus.” CCM article, paragraph 3. In other words, the software allows users to send letters, generated using the software, to the credit bureau. The CCM article does not disclose software receiving any information from the credit bureau nor does it disclose connecting users to the credit bureau such that they can receive information from the credit bureau.

The Office Action also stated that the step-by-step instructions referenced in the CCM article “are not generic and are dependent upon credit history data.” Office Action, page 3. The CCM article, however, offers absolutely no support for that interpretation. The software described in the CCM article receives nothing from a credit bureau and, thus, cannot generate a summary report of personalized credit-related information based on credit history data. Moreover, the instructions described in the CCM article replace instructions users would otherwise receive from credit doctors – flood the credit bureau on behalf of the cardholder with so many letters challenging a derogatory piece of data on the cardholder’s file that the credit bureau is unable to respond to all the challenges within

the required time. These instructions are not based on the consumer's credit history data. They apply to anyone with bad credit, regardless of their specific credit history data. Accordingly, the CCM article fails to provide a user with a summary report, much less a summary report that includes "an explanatory statement suggesting at least one step to improve the credit score, wherein the at least one step to improve the credit score is based on the credit history data," as recited in claim 1.

Since each of the cited references fail to disclose or suggest, "generating a summary report of personalized credit-related information based on the credit history data, the summary report including a credit score and an explanatory statement suggesting at least one step to improve the credit score, wherein the at least one step to improve the credit score is based on the credit history data," as recited in claim 1, the combination of the cited references also fails to disclose or suggest the elements recited in claim 1. Accordingly, allowance of claim 1 is requested.

Claims 2-6 and 23 are ultimately dependent on claim 1. At least for the same reasons as those for claim 1, allowance of claims 2-6 and 23 is requested. Claims 2-6 and 23 may also be allowable for other reasons. For example, Lent fails to disclose "wherein transmitting an inquiry includes transmitting a Fair Credit Reporting Act Consumer Inquiry for the consumer to the credit bureau," as recited in claim 3. Instead of transmitting a Fair Credit Reporting Act Consumer Inquiry, Lent discloses an Underwriter that transmits an inquiry to at least two credit bureaus and compares an applicant's FICO score to a threshold. *See* Lent, col. 4, lines 18-37.

III. New Claims 26 and 27

The Assignee respectfully requests examination of claims 26 and 27. The Assignee submits that the cited references do not disclose or suggest each element recited

in new claims 26 and 27. Accordingly, claims 26 and 27 are patentable in view of the cited references for that reason in addition to the reasons set forth above in Section II. After reviewing this Response, should the Examiner opine that any one or more of claims 26 and 27 is anticipated or rendered obvious by a reference, a full and clear statement of the grounds on which these claims are rejected is requested pursuant to MPEP § 707.07(d) so that any rejection is clearly articulated to provide the Assignee with the opportunity to provide evidence of patentability or otherwise reply completely at the earliest opportunity. See 35 U.S.C. § 132; MPEP § 706.

CONCLUSION

Claims 1-6, 23 and 26-27 are pending in the application. The Office Action rejections are believed to be traversed by the present amendment and response. Claims 1-6, 23 and 26-27 should now be in condition for allowance. The Examiner is invited and encouraged to contact the undersigned attorney of record at (404) 745-2520 if such contact will facilitate a Notice of Allowance for claims 1-6, 23 and 26-27. If any additional fees are due, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,

/JASON D. GARDNER 58180/

Jason D. Gardner
Reg. No. 58180
Attorney for the Assignee

DATE: December 5, 2007

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia, 30309-4530
404 745-2520 (direct)
404 541 4619 (direct fax)